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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,333	12/23/1999	DOUGLAS P. BOGIA	PM-263216	7277
27496	7590	03/10/2004	EXAMINER	
PILLSBURY WINTHROP LLP			CAO, DIEM K	
725 S. FIGUEROA STREET			ART UNIT	
SUITE 2800			PAPER NUMBER	
LOS ANGELES, CA 90017			2126	

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,333

Applicant(s)

BOGIA ET AL.

Examiner

Diem K Cao

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to the request for continued examination under 37 CFR 1.114 filed on 12/22/2003.
2. Claims 1-30 remain in this application. Applicant has amended claims 1, 15, 27, and 30.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2003 has been entered.

Drawings

4. The drawings were received on 12/22/2003. These drawings are approved.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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7. Claim 1 claim “wherein the print server and the peripheral device are directly connected to the computer, and the peripheral device is indirectly connected to the computer”, it is unclear whether the peripheral device is directly or indirectly connected to the computer because the same device cannot be directly and indirectly connected at the same time. The specification discloses the print server is directly connected to the computer, and the peripheral device is not directly attached to the computer but to the print server (page 7, lines 14-29 and Fig. 3).

Examiner interprets “the print server is directly connected to the computer, and the peripheral device is indirectly connected to the computer” for examining purpose.

8. Claims 15, 27 and 30 also suffer the same problem as of claim 1 as discuss above.

9. Claim 15 recites the limitation "the local area network" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 30 recites the limitation “the article of manufacture being stored within a computer”, wherein the specification discloses only a portion of the routine is store within a computer (page 8, lines 13-17). Claim 30 further recites “a peripheral device connected to a print server, the computer processor, the peripheral device, and the computer being connected via”, examiner interprets “a peripheral device connected to a print server, the computer processor, the peripheral device, and the computer being connected via a computer network” for examining purpose. It is also unclear whether the computer processor is located in the computer or the printer server or in a different computer (which is not claim), and if the computer

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processor is either located in the computer and the print server, the computer processor in line 6 should be removed.

11. Claim 30 recites the limitation "the local area network" in line 13. There is insufficient antecedent basis for this limitation in the claim.

12. Corrections are required.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1, 5-6, 10, 15, 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyda (U.S. 5,867,730) in view of Charabaszcz (U.S. 6,263,387 B1) further in view of Thambidurai (Internet Printing).

15. As to claim 1, Leyda teaches a computer connected to a peripheral device (computer 10, keyboard, peripheral devices; col. 2, line 42 – col. 3, line 10), preparing the computer to retrieve a first device identification from a memory of the peripheral device (The FINDCD.SYS ... including a vendor identification and model number for the CD_ROM driver 30; col. 6, lines 35-

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54), comparing the first device identification to device names on a list of names associated with device drivers (with the unique identification ... driver type; col. 7, line 30 - col. 8, line 31), the list and the drivers being stored in a memory of the computer (the system 100 includes ... software driver files 104 ... loads the corresponding software ... driver files 104; col. 5, line 20 – col. 6, line 22), and selecting for use an associated driver if the first device identification matches one of the name (the system 100 selects... in the memory 14; col. 7, line 30 – col. 8, line 31), wherein at least a portion of a routine for preparing, comparing and selecting operations is stored in a memory of the computer (The present invention is embodied in a system 100; col. 5, lines 20-45).

16. However, Leyda does not teach a printer server, the print server, and peripheral device, and the computer being connected via a computer network, wherein the print server is directly connected to the computer, the peripheral device is indirectly connected to the computer, and the print server to retrieve a first device identification from a memory of the peripheral device. Charabaszcz teaches a server (server system 100, computer 101; col. 6, lines 1-42), and peripheral device (adapters, printers; col. 6, lines 1-42), and the computer (client computer; col. 6, lines 1-42) being connected via a computer network (LAN card, client computer, various types of printers; col. 6, lines 1-18), wherein the server is directly connected to the computer (client computer, remote computer, computer network; col. 6, lines 1-42 and Fig. 1), the peripheral device is indirectly connected to the computer (printers 122; col. 6, lines 1-42 and Fig. 1), and the print server to retrieve a first device identification from a memory of the peripheral device (the auto configuration program retrieves the Vendor and device ID from the device; col. 11,

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lines 7-21). Although Charabaszcz does not teach a print server, Chrabaszcz teaches a server and a device in general (abstract), and server controls various types of printers (col. 6, lines 1-18).

Obviously, the server in the system of Chrabaszcz could be print server. Thambidurai teaches the printer driver should be installed locally in the end-user's host or in the printer site is left to the implementation (page 8, right column, last paragraph).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Leyda, Charabaszcz and Thambidurai because it provides a method for a client computer not only to use the directly attached devices but also network devices wherein the network devices being controlled and monitored by a server.

18. **As to claim 5**, Leyda does not teach the peripheral device is a printer. Leyda teaches the peripheral device in general term. It would have been obvious the peripheral device could be a printer.

19. **As to claim 6**, Leyda does not explicitly teach the computer network is compatible with the Microsoft Windows Operating System. Leyda teaches computer could be MS Windows 95. Chrabaszcz teaches the computer network is compatible with the Microsoft Windows Operating System (Alternative embodiments ... DOS, Windows 3.1/95/98). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Leyda and Charabaszcz because it provides a method for Leyda to have access to Internet devices.

20. **As to claim 10**, Leyda teaches the selecting occurs automatically (The invention is ... automatic identification and configuration of computer hardware peripherals; col. 1, lines 55-60, and the system 100 automatically selects the appropriate software driver from the software driver files 104; col. 8, lines 25-31).

21. **As to apparatus and an article of manufacture claims 15 and 30**, they correspond to the method claim of claim 1.

22. **As to claim 19**, see rejection of claim 6 above.

23. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charabaszcz (U.S. 6,263,387 B1) in view of White et al (U.S. 6,301,012 B1) further in view of Thambidurai (Internet Printing).

24. **As to claim 27**, Chrabaszcz teaches installing the drivers in the server if the current installation is the first installation and storing information associated with the current installation in a memory of the print server (the program automatically loads ... the user, saving the modified start-up configuration files in the system's main memory; col. 11, line 1 – col. 12, line 34), retrieving information associated with the first installation from the memory if the current installation is not the first installation (inherent from “saving the modified start up ... main memory”; col. 12, lines 15-34), retrieving a current identification data string from a memory of

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the printer (the auto configuration program retrieves the Vendor and device ID from the device; col. 11, lines 7-21), the current identification data string being associated with the current installation (the auto configuration program retrieves the Vendor and device ID from the device; col. 11, lines 7-21), and installing the printer drivers in the server based upon the information associated with the first installation (inherent from "saving the modified start up ... main memory"; col. 12, lines 15-34), the server (server; col. 6, lines 1-42), the peripheral device (adapters, printers; col. 6, lines 1-42), and the computer (client computer; col. 6, lines 1-42) being connected via a computer network (LAN card, client computers, various printers; col. 6, lines 1-18), wherein the server is directly connected to the computer (client computer, remote computer, computer network; col. 6, lines 1-42 and Fig. 1), the peripheral device is indirectly connected to the computer (printers 122; col. 6, lines 1-42 and Fig. 1).

25. Although Chrabaszczyk does not teach a print server, Chrabaszczyk teaches a server and a device in general (abstract), and server controls various types of printers (col. 6, lines 1-18). Obviously, the server in the system of Chrabaszczyk could be print server.

26. However, Chrabaszczyk does not explicitly teach installing the printer drivers in the computer, preparing the print server to determine if a current installation of the printer drivers is a first installation of the printer drivers, the information associated with the first installation including a first identification data string, comparing the first data string with the current data string, and installing the printer drivers in the computer based upon the information associated with the first installation if the first data string matches the current data string, and at least a

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portion of a routine for the preparing, comparing, and installing operations is stored in a memory of the computer.

27. White teaches (col. 3, lines 27 – col. 8, line 65) preparing the print server to determine if a current installation of the printer drivers is a first installation of the printer drivers (When network plug and play service 50 ... is a new device on the network), and installing the printer driver based upon the information associated with the first installation (the network plug and play ... print driver). It would have been obvious to apply the teaching of White to the system of Chrabaszcz because it provides a method to the users for faster installation of the same device. Thambidurai teaches the printer driver should be installed locally in the end-user's host or in the printer site is left to the implementation (page 8, right column, last paragraph). It would have been obvious at least a portion of a routine for the preparing, comparing, and installing operations is stored in a memory of the computer. Although Chrabaszcz as modified does not explicitly teach the information associated with the first installation including a first identification data string, comparing the first data string with the current data string, and installing the printer drivers in the computer based upon the information associated with the first installation if the first data string matches the current data string. It would have been obvious to one of ordinary skill in the art to associate the device identification data string with the information of the first installation and use it to retrieve the needed information for subsequent installation because the device's identification data string is unique to every device and available for each installation.

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28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Chrabaszcz, White and Thambidurai because it provides a method for the users to have options to install the drivers either in the local computer or in the print server.

29. **As to claim 28**, Chrabaszcz as modified teach installing the printer drivers in the computer if the first data string does not match the current data string and storing information associated with the installing, in the memory of the print server (the program automatically loads ... the user, saving the modified start-up configuration files in the system's main memory; col. 11, line 1 – col. 12, line 34).

30. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charabaszcz (U.S. 6,263,387 B1) in view of White et al (U.S. 6,301,012 B1) and Thambidurai (Internet Printing) further in view of APA (Admitted Prior Art).

31. **As to claim 29**, Charabaszcz does not teach the first and current data strings are IEEE 1284 ID data strings. APA teaches the device identifications conform to an IEEE 1284 signaling standard (The signaling standard ... 1994; page 3, line 1- page 4, line 5). It would have been obvious to apply the teaching of APA to the system of Chrabaszcz because it provides all the benefit of IEEE Std. 1284 to the users.

32. Claims 2-3, 11, 16-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyda (U.S. 5,867,730) in view of Charabaszcz (U.S. 6,263,387 B1) and Thambidurai (Internet Printing) further in view of DeRosa Jr. et al. (U.S. 5,822,565).

33. **As to claims 2 and 16**, Leyda does not teach translating the first device identification into at least a second device identification if the first device identification does not match one of the names, comparing the at least second device identification to the device names, and selecting a driver from the list if the at least second device identification matches one of the names.

DeRosa teaches a device identifier typically includes a vendor identifier and a device number (col. 6, lines 15-29). DeRosa further teaches different string identifiers maybe produce by a system for different devices bases on vendors and platforms (col. 8, lines 1-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Leyda and DeRosa to translate the device identification to select a driver for a device because there are multiple string identifier are existed in the same system.

34. **As to claims 3 and 17**, Leyda does not teach determining whether the peripheral device requires a special measure in order to install the selected device driver, identifying an appropriate special measure from a database of potential special measures stored in a memory of the print server, and informing a user of the appropriate special measure. Chrabaszcz teaches (col. 11, lines 42-54) determining whether the peripheral device requires a special measure in order to install the selected device driver (the program determines ... are required), identifying an appropriate special measure from a table of potential special measures stored in a memory of the

print server (By looking up a table ... that device), and informing a user of the appropriate special measure (the program announces ... required values). Although Chrabaszcz does not teach a database to store the special measure, it would have been obvious a database could be employed in the system of Leyda because it just a matter of implementation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Leyda and Chrabaszcz because it provides the users a more effective method to install the drivers.

35. **As to claims 11 and 22**, Leyda as modified does not teach the translating includes a database look-up. Leyda teaches a table look-up is carried out (with the unique identification ... driver type; col. 7, line 30 - col. 8, line 31). As discuss in claim 3, a database could be incorporated in the system of Leyda because it just a different way of implementation.

36. Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyda (U.S. 5,867,730) in view of Charabaszcz (U.S. 6,263,387 B1), Thambidurai (Internet Printing) and DeRosa Jr. et al. (U.S. 5,822,565) further in view of White et al. (U.S. 6,301,012 B1).

37. **As to claims 4 and 18**, Leyda does not explicitly teach alerting a user if the second device identification does not match one of the names. White teaches alert a user if the driver could not be located (Automatically installing ... installation location; col. 3, line 58 – col. 4, line 16). It would have been obvious to one of ordinary skill in the art to combine the teaching of

Leyda and White because it provides the users a method to install a device successfully with minimum interaction.

38. Claims 7-9, 12-14, 20-21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyda (U.S. 5,867,730) in view of Charabaszcz (U.S. 6,263,387 B1), Thambidurai (Internet Printing) and DeRosa Jr. et al. (U.S. 5,822,565) further in view of APA (Admitted Prior Art).

39. As to claim 7, Leyda does not teach the device identifications conform to an IEEE 1284 signaling standard. APA teaches the device identifications conform to an IEEE 1284 signaling standard (The signaling standard ... 1994; page 3, line 1- page 4, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Leyda and APA because it provides all the benefit of IEEE Std. 1284 to the users.

40. As to claim 8, Leyda teaches the first device identification includes at least manufacturer and model key values (including a vendor identification and model number for the CD_ROM driver 30; col. 6, lines 35-54).

41. As to claim 9, Leyda teaches the first device identification includes a compatibility identification key field (including a vendor identification and model number for the CD_ROM driver 30; col. 6, lines 35-54).

42. **As to claim 12**, Leyda as modified does not teach the translating includes a database look-up using alternate names and key values. Leyda teaches a table look-up is carried out. As discuss in claim 3, a database could be incorporated in the system of Leyda because it just a different way of implementation. DeRosa teaches different string identifiers maybe produce by a system for different devices bases on vendors and platforms (col. 8, lines 1-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine and modify the teaching of Leyda and DeRosa because to implement a look-up in database, one could use alternate name of key values.

43. **As to claim 13**, Leyda does not teach the translating includes concatenating the manufacturer and model key values. DeRosa teaches concatenating the manufacturer and model key values to locate the configuration file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Leyda and DeRosa because it provides the user with alternate methods to locate the driver when there are multiple implementations in the system.

44. **As to claim 14**, see rejection of claim 13 above except the translating further includes removing the manufacturer key value.

45. **As to claims 20-21 and 24**, see rejections of claims 7-9 above.

46. **As to claims 23 and 25-26**, see rejections of claims 12-14 above.

Response to Arguments

47. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents
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Diem Cao


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100